

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Approved Minutes for November 30, 2017**  
**4:00 PM Bethany Lutheran Church – Downstairs Meeting Room**

Chairwoman Susan Johnson called the meeting to order at 4:03 p.m.

**Present:** Committee members: Susan Johnson, Shelley Gonzales, Jerry Sorensen, Chany Ockert and Lou McGuire. Public: 10 members from the public. Flathead County Planning and Zoning: Mark Mussman and Donna Valade.

The agenda was approved (m/s, J. Sorensen/C. Ockert), unanimous.

Minutes of the October 26, 2017 meeting were approved (m/s, L. McGuire/C. Ockert), unanimous.

**Administrator's Report and Announcements:**

Sign-in sheet passed around. Planning and Zoning website announced for all documents regarding minutes, agendas, and applications. Website: [flathead.mt.gov/planning-zoning/documents](http://flathead.mt.gov/planning-zoning/documents).

Gonzales announced that applications for 2 committee positions may be filed with the Election Department beginning December 14, 2017 and filing closes on February 12, 2018. The election will be on May 8, 2018. A notice for the appointment of a Member-at-Large and secretary also will be posted through Planning and Zoning Department.

**Public Comment:**

None

**Application:**

**FZC-17-10:** A zone change request from Bruce Lutz of WGM Group, on behalf of Icecap, LLC for the Eslick et al property located at 7645 MT Highway 35 in the Holt Zoning District. The proposal would change the zoning on a parcel containing approximately 67.71 acres from SAG-10 (Suburban Agricultural) to B-2 (General Business) on 10.02 acres and to R-2 (One Family Limited Residential) on 56.23 acres. The subject property can legally be described as follows:

The Southwest Quarter of the Northeast Quarter and all that portion of the Southeast Quarter of the Northwest Quarter lying North and East of that certain right-of-way deeded to the State of Montana as recorded on October 3, 1935, in Book 218, Page 537, all in Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

EXCEPTING THEREFROM that portion conveyed to the State of Montana in Bargain and Sale Deed recorded December 9, 1992, as Instrument No. 92-344-15260, records of Flathead County, Montana.

**Staff Report:**

Donna Valade of the Planning and Zoning Department presented the application. She referenced the comments submitted by the following agencies:

Montana Department of Transportation: They suggested to reduce future access points and approaches on Hwy 35 in the area and they provided information on future planned improvement projects on Hwy 35.

Bigfork Water and Sewer: They stated that the property is in the District's planning area and the applicant is discussing requirements with BWS for future development on the property.

Fish, Wildlife, and Parks: They asked to deny the application to protect and conserve the areas' agriculture, water, fish, and wildlife. If the application is approved, they ask that the applicant work with FWP before subdividing the property.

Q. Sorensen: Will this application go through subdivision review? A. Valade: Yes. Tonight, is just the request for the zone change.

Q. Gonzales: The report does not have a plan of how this will be subdivided in the residential and commercial (RV park and lodge) areas. On page 10, Bulk and Dimension it states there could be 122 lots for R-2 and 5 lots for B-2. Is this the plan? A. Valade: I went off what is possible given the requested zoning in the application.

### **Applicant Report:**

Bruce Lutz of WGM Group, the technical advisor for the applicant Icecap, LLC, and Robert Carette the principal of Icecap presented the applicant's report. Mr. Carette is also the owner of Marina Cay Resort in Bigfork. Mr. Lutz stated that Bigfork Water and Sewer is adjacent to the project, and their hook-up to the water and sewer lines will help Bigfork Water and Sewer retire their debt load. Mr. Carette stated that the purchase of the property is contingent on the approval of the zoning change. He further stated that he has been looking for a location for an RV park and lodging facility for several years.

Q. Ockert: Will you be developing the residential area at the same time? A. Carette: No, we are not looking to develop the housing component right away. We will develop the RV park and lodging first.

Q. Ockert: What will be the size of the lodge? A. Carette: It will be a 70-unit lodge on 2 acres of the B-2 zone and there will be a water slide/pool area. Anticipate breaking ground in May 2018 or later.

Q. Johnson: Where would the access point be off Hwy 35 into the RV park/lodge? A. Carette: It likely would be at the southernmost point of the B-2 zone. A side frontage road could be added for safety. The area is on a straight away like in front of the Harvest Foods/Town Center.

Comment: Gonzales stated that the speed limit in front of Harvest Foods is 35 mph and the speed limit in front of the proposed RV park/lodge is 50 mph.

Q. Sorensen: There will be only one access for the lodge? A. Carette: Yes, a second access would be needed for the RV park.

Q. McGuire: What are MDOT's plans for Hwy 35 in Bigfork? A. Carette: Some areas of Hwy 35 in Bigfork have been widened but it is narrow through Ice Box canyon with limited area to widen the road. There appears to be 80-100 feet available for widening around the subject B-2 zone.

Q. Ockert: Do you know when the highway will be widened? A. Mussman: No, but MDOT does not plan for it in the next 5 years.

Q. Sorensen: How will the land that is zoned R-2 be used? A. Carette: The Eslick family will continue to farm the land for now.

Q. Johnson: Will this be an upscale RV park? A. Carette: The park will have full service pads for Class A motorhomes. There will be no long-term accommodations and the park will not be used for employee housing.

Q. Sorensen: Will the park be like the one in Columbia Falls? A. Carette: Yes.

Q. Johnson: Will there be landscaping/buffers? A. Lutz: Yes.

Q. Gonzales: Access to the RV park/lodge from the south will be safe via a right turn, but access from the north will require a left turn where the speed limit is 50 mph. A. Carette: Yes, there needs to be a

full center turn lane. Both Mussman and Carette thinks that is in the MDOT plan but nothing will be done for at least five years.

Q. Gonzales: How many pads will be in the RV park? A. Carette: No idea at this point.

Comment: Johnson stated that the area north of the proposed park has some good business, we do not want “less good” businesses in that area.

Gonzales stated there are 3 closed restaurants in the area and there is not a lot to entice people to come and stay north of the Village. Reply: Carette stated the park and lodging will help the businesses (gas station) commercial areas outside if the Village. The proposed lodge could accommodate tour busses and shuttles could take guests down into the Village.

Q. Johnson: How might this project impact your Marina Cay’s business? A. Carette: It might impact Marina Cay, but the project will bring more business to Bigfork not detract business. Marina Cay is different as it is condos with kitchens.

Q. Gonzales: Will the lodge have a restaurant? A. Carette: No, but it will have a small kitchen to prepare breakfast for the lodgers.

Q. Ockert: Will you work with Fish, Wildlife, and Parks on the issues they raised? A. Carette: Yes. Lutz stated that he thinks the ponds will be an attribute and they plan to put trails through the area. Also, the existing barn on the property will remain.

#### **Agency Comments:**

Julie Spencer of Bigfork Water and Sewer stated that water and sewer service does pass in front of the subject property. There have been septic failures in that area. This project needs to be on public water supply due to the density of the project. Hook-up would help with the paydown of the SID obligation from extension of water and sewer to that area. Bigfork Water and Sewer has the capacity to serve both the residential and commercial projects. All the surrounding areas are on water and sewer.

Q. Gonzales: Does Bigfork Water and Sewer have capacity despite the lack of number of RV pads and residential lots in this project? And would the applicant be required to hook-up? A. Spencer: Yes, there is a remaining 15-year capacity and DEQ would probably require the project to hook-up to public water and sewer.

#### **Public Comment:**

Roger Hamell: What is the footprint of the RV park and do they know where it will go? The 56 acres for residential, what will be the buffer between the project and the existing Jewel Basin Plaza?

Comment: Sorensen stated that all the details of the plan will be presented in the subdivision review process.

Reed Darrow: When was the current zoning put in place for that area? A. Gonzales: That zoning was put in place with the 1993 Bigfork Neighborhood Plan. With the update of the Plan beginning in 2004, the Future Land Use map identified the Eslick property for low density residential development, but restricted commercial development to commercial nodes at the intersections of Hwys 35/83/82 to prevent strip mall development. To date, I do not recall any requests to change the zoning in that area.

#### **Staff Reply:**

Mussman: He reiterated the application will go through the subdivision process for both the residential and RV park and each part of the project will come back before BLUAC once or possibly twice. The lodge would not come back before BLUAC.

Comment: McGuire stated that she is a part owner of 14 acres on Hwy 35 south of the subject property is near the old VFW and across from Branding Iron Station. She does not feel that she needs to recuse herself from the vote on the application. The committee discussed and agreed.

**Applicant Reply:**

The lodge will be on the north end of the 10-acre commercial zone and the RV park will be on the south end of the zone.

**Committee Discussion:**

Sorensen: I think the vision is good. The residential piece is in line with the Bigfork Neighborhood Plan, but not the commercial, but it is adjacent to other commercial. My biggest concern is the traffic. MDOT needs to move up the restructure, they feel there needs to be a traffic study, and the applicant needs to cooperate with MDOT. I know the Columbia Falls RV park and traffic there gets very congested. I have no issues with the lodge, and issues with the RV park and lot subdivision will be addressed in subdivision review. I like the project.

Gonzales: I have problems with several aspects of this application. The negative report by FWP identifies several critical areas. I would like to see some protection for those ponds and that they do not become a part of the RV park and lodge's amenities where guests are down there interacting with wildlife and waterfowl. That area needs protection. The traffic impact in that area will be considerable. Traffic speed just north of 82 is 70 mph and reduces to 50 mph at the intersection until south of the proposed RV/lodge. Big RVs will be trying to make left hand turns into the property with no left turn lane. There already 6 left turn ingresses within .2 of a mile. This is tragedy waiting to happen. There are no conditions that can be added to this application. If this application was for all residential zoning, and the applicant then applied for a CUP for the RV park/lodge we could add conditions to mitigate all the negative impacts

Sorensen: I disagree with you as this application will go through a thorough review. We will have the chance to review the details of this application but to go forward the zoning change should be allowed. It is a chicken and egg thing.

Gonzales: Mr. Carrette, at which point do you purchase the property? A. Upon the zoning change. The lodge can be built but not the RV park.

Sorensen: I believe we have enough safeguards, especially the traffic concerns. I believe FWP concerns have gone overboard.

**Findings of Fact:**

The committee amended Findings of Facts as follows (changes are underlined):

#5. The proposed amendments should facilitate the adequate provision of transportation because the Montana Department of Transportation will review and require new approach permits for a change in use and new access and the County Road and Bridge Department had no concerns with the proposal.

#6. The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because further division of land on the subject property would require review through the Flathead City-County Health Department, Montana Department of Environmental Quality, and Bigfork Water and Sewer, there would be minimal impact on parks, and the Bigfork School District did not comment on the proposal.

#8. Effects on motorized transportation systems should be minimal because the Montana Department of Transportation will review and require permits for a change of use and new approaches, and the County Road and Bridge Department had no concerns with the proposal.

It was moved by Chany Ockert to adopt Findings of Facts, as amended numbers 5, 6 and 8. The motion was seconded by Lou McGuire and the motion passed unanimously.

There was no further committee discussion.

Chany Ockert moved and Jerry Sorensen seconded the motion to forward a recommendation to the Planning Board to approve FZC-17-10. The vote was four in favor (Sorensen, Ockert, McGuire, and Johnson) and one opposed (Gonzales).

The Planning Board will hear the application on Wednesday December 13 at 6 p.m. at the South Campus Building 2<sup>nd</sup> floor conference room at 40 11<sup>th</sup> Street West, Kalispell, MT

**Old Business:**

Bigfork High School's Jennifer Bach emailed the committee indicating the school is discussing an internship program which could possibly provide the committee with a recording secretary. They will keep us informed.

**New Business:**

None

**Adjourn:**

Meeting was adjourned at 5:18 p.m.

Respectively submitted,

Shelley Gonzales, acting secretary